

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-00178
No. 5:22-MC-00032

JULIE A. SU,
ACTING SECRETARY OF LABOR,
UNITED STATES DEPARTMENT
OF LABOR,

Petitioner,

v.

SOUTHERN LIVING FOR SENIORS
OF LOUISBURG NC, LLC,
Respondent.

ORDER

This matter is before the Court on the Acting Secretary of the United States Department of Labor's (DOL) application for attorney's fees in response to the Court's August 25, 2023 Contempt Order requiring Respondent to "reimburse counsel for the DOL his costs and expenses associated with the contempt motion." [DE 13-4; 15].

In support of the instant motion, DOL filed a Declaration of Jeremy B. Dailey (Counsel for DOL). [DE 15]. In it, Counsel for DOL provided the following costs associated with litigating the contempt motion at the reasonable rate of \$400/hour:

DATE	TASK	COSTS
May 31, 2023	Drafted Petition for Contempt, Memorandum in Support, Declaration, and Compiled Exhibits	\$3,200.00 (8 hours at \$400/hour)
August 23, 2023	Round-Trip Commercial Flights From/To Atlanta and Raleigh	\$417.81
August 23, 2023	Drafted Declaration and Compiled Exhibits	\$107.97
	TOTAL COSTS	\$3,725.78

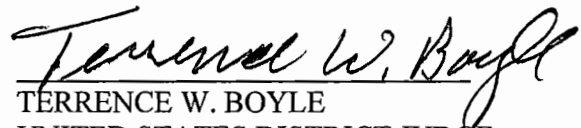
Counsel for DOL explains his calculation of the reasonable rate as dictated by the Fourth Circuit as “the prevailing market rate in the relevant legal community... from paying clients for similar services in similar circumstances.” *Daly v. Hill*, 790 F.2d 1071, 1077-78 (4th Cir. 1986). Counsel further supports his calculation of \$400/hour based on his nine years of litigation and trial experience. Based on the foregoing, the Court finds DOL’s calculated rate to be reasonable.

CONCLUSION

Accordingly, the DOL’s Application for Attorney’s Fees is **GRANTED**. As such, the Court **ORDERS** that Southern Living reimburse counsel for the DOL in the amount of \$3,725.78 within thirty (30) days of the issuance of this order. Payment shall be sent via first class mail to “**U.S. Department of Labor, Office of**

the Solicitor, *Attn: Jeremy Dailey*, 61 Forsyth Street, Suite 7T10, Atlanta,
Georgia, 30303.”

SO ORDERED, this 31 day of October, 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE